

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

September 21, 2020
David J. Bradley, Clerk

ORDER

The Court now considers the parties’ “Joint Motion for Entry of Order Setting Filing Deadlines for Title Hearing by Submission.”¹ The parties represent that, while investigating the ownership of the property that is the subject of this eminent domain proceeding, “it was discovered that the Chestnut family may have an interest in the property that dates back to the 1950s that necessitated the filing of the instant condemnation case.”² The United States “is not concerned as to whom or when the court distributes” just compensation.³ If more than one person or entity claims ownership of the land subject to condemnation, “the burden is on the landowner

¹ Dkt. No. 20.

² *Id.* at 1, ¶ 2.

³ *United States v. Certain Lands in Town of Hempstead, Nassau Cnty.*, 129 F.2d 918, 920 (2d Cir. 1942).

to identify his land.”⁴ This Court must “exercise its jurisdiction to determine the true owners of condemned land when such jurisdiction is timely invoked.”⁵

In the instant motion, “[t]he parties request that this Court set a briefing schedule in order to ultimately determine ownership of the Subject Property prior to its condemnation.”⁶ The parties do not describe any scheduling preferences in the motion, but do in their attached proposed order.⁷ The Court finds good cause in the parties’ agreement as to scheduling dates and will accordingly order those dates. The Court **GRANTS** the joint motion.⁸ The following actions shall be completed by the dates indicated:

PRETRIAL EVENTS	DEADLINES
Deadline for the United States to file its amicus curiae brief regarding its view on ownership of the property subject to condemnation.	October 9, 2020
Deadline for Defendants to file briefs and submit evidence regarding their respective views and detailing their respective ownership interests in the property subject to condemnation.	October 30, 2020

This order is in addition to, and does not efface, the Court’s September 9, 2020, scheduling order.⁹

IT IS SO ORDERED.

DONE at McAllen, Texas, this 21st day of September 2020.



Micaela Alvarez
United States District Judge

⁴ *United States v. Lee*, 360 F.2d 449, 452 (5th Cir. 1966).

⁵ *United States v. 22,680 Acres of Land in Kleberg Cnty.*, 438 F.2d 75, 77 (5th Cir. 1971); see *Clark v. White*, 185 F.2d 528, 530 (5th Cir. 1950) (“Of the jurisdiction and duty of the district court in distributing the fund in a condemnation case to find out to whom it justly belongs we have no doubt, and technical considerations ought not to limit it.”).

⁶ Dkt. No. 20 at 3, ¶ 5.

⁷ See Dkt. No. 20-1.

⁸ Dkt. No. 20.

⁹ Dkt. No. 19.